

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

FIDELITY INVESTMENTS LIFE INSURANCE)	
COMPANY, FIDELITY INSURANCE AGENCY,)	
INC., FIDELITY BROKERAGE SERVICES, LLC)	
)	
Plaintiffs,)	
)	Civil Action
v.)	No. 1:05-cv-00083-JD
)	
DENNIS RUPP, TIAA-CREF INDIVIDUAL &)	
INSTITUTIONAL SERVICES, INC.)	
)	
Defendants,)	
)	

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for Plaintiffs Fidelity Investments Life Insurance Company, Fidelity Insurance Agency, Inc., and Fidelity Brokerage Services, LLC and Defendants Dennis Rupp and TIAA-CREF Individual & Institutional Services, Inc. that the above-captioned action is dismissed in its entirety with prejudice, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, with each party to bear its own costs, including attorneys' fees.

SO STIPULATED AND AGREED:

**FIDELITY INVESTMENTS LIFE INSURANCE
COMPANY; FIDELITY INSURANCE AGENCY,
INC.; AND FIDELITY BROKERAGE
SERVICES, LLC.**

By their attorneys,

WIGGIN & NOURIE, P.A.

Dated: August 24, 2005

By: /s/ Donald L. Smith for Thomas J. Pappas

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**DENNIS RUPP AND TIAA-CREF INDIVIDUAL
& INSTITUTIONAL SERVICES, INC.**

By their attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

By: /s/ Donald L. Smith

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SO ORDERED:

/s/ Joseph A. DiClerico, Jr.
U.S.D.J.

September 6, 2005
Date

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